
Strangling American Workers

by Charles Baker

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Kidnapped from the state of Ohio, in much the same way that Moyer, Haywood, and Pettibone were spirited out of Colorado during the war of the mine barons on the Western Federation of Miners, Marguerite Prevey, after spending over four weeks in jail, was released on bond from the Cook County jail in Chicago last week, in order to continue her legal fight against the “Law and Order” “physical for-cists” headed by State’s Attorney Maclay Hoyne.¹

Another dramatic chapter in the rapidly lengthening rule of American Tsarism was written in the efforts of the state of Illinois to get its clutches upon Marguerite Prevey of Akron, Ohio, a life long Socialist, indicted by Illinois grand jury on charges of “criminal syndicalism”; when on March 3rd [1920] Comrade Prevey was taken from the county jail at Columbus, Ohio, in defiance of the orders of Common Please Judge Kincaid and kidnapped to Chicago.

The Columbus papers announced complacently next morning that this lawless, anarchistic act had been performed “on the advice of Prosecuting Attorney Hugo N. Schlesinger.”

The direct and arrogant contempt of court which was committed is apparent upon review of what had occurred in court that day.

Stay of Execution Ordered.

On Wednesday, March 3rd, Judge E.B. Kincaid after investigating the additional evidence furnished by Illinois, seeking extradition of

¹ **Maclay Hoyne** (1873-1939) served as Cook County State’s Attorney from 1912 to 1920. Later the Chief Counsel for the Chicago Sanitary District, he was suspended from legal practice for one year by the Illinois State Bar in December 1932 in connection with a payroll padding case.

Mrs. Prevey, decided that although there was “very slim” evidence of any propaganda of violence, he would rule there was enough to authorize the requisition, in order to allow the attorneys for Mrs. Prevey to take the case on error to the Court of Appeals.

To enable them to perfect their error proceedings he granted a 48-hour “stay of execution.”

The entry containing this ruling and its stay of execution was filed about 3 pm the same day. And about one hour later the petition in error bringing the matter on review before the Court of Appeals was filed.

Prosecuting Attorney Schlesinger refused to waive service of summons in the error proceeding, a common courtesy among lawyers, and a precipe was filed in the clerks office to have him served in the regular way. All this was done before the courts adjourned on March 3rd. Therefore, Mrs. Prevey was legally secure under the protection of the courts of Ohio, her home state, which were to decide whether it was right and lawful to deport her to Illinois beyond their protection.

The next morning, March 4th, the Court of Appeals, then seating at Dayton, approved an entry granting stay of execution of the judgement until a final decision had been reached in the upper court, this entry was immediately mailed to Columbus and filed. Had the supposed guardians of “law and order” retained the least shred of respect for the orders of their own courts and laws of their own state, which they were sworn to uphold and defend, Marguerite Prevey would have remained safe from extradition, in the Columbus jail until her cause could be heard in Ohio.

Removed in Defiance of Courts. Comrade Prevey’s Own Statement.

“I grant a stay of execution for 48 hours on this requisition to allow attorneys for Mrs. Prevey to prepare their petition in error to the Court of Appeals. Mrs. Prevey will remain in the custody of the Sheriff, I will decide if she is subject to bond at 1:30 this afternoon.”

This was the statement of Judge Kincaid on Wednesday, March 3rd, at 11:30 am at Columbus, Ohio. I was taken back to the County jail and locked up.

About two o’clock that afternoon, the Sheriff of Franklin County (Columbus), a police matron from Chicago, and a local

detective, walked into the women's department of the jail and informed me that I must leave for Illinois at once. I told the Sheriff that I would like to call my attorneys on the phone to notify them that I was being taken to Illinois. He said, "You can do that when we get downstairs to the office." When I arrived in the office, I was told that I could not use the phone. I protested, saying that it was certainly customary, and the right of a prisoner to be permitted to confer with their attorney, and that I would refuse to leave until I could do so.

I appealed to the jailor, Mr. Hill, and to the matron, Mrs. Robb, but they said they had orders from the Sheriff and could do nothing, so I was forcibly taken by the Chicago police matron and the Columbus city detective, placed in a waiting auto, and driven to the police station. There I was held incommunicado until after dark, when I was taken out and placed in an old dilapidated two passenger Ford car, where the three of us, crowded together, started a chase over Columbus, up and down the back streets and alleys. The city detective who was driving the car said he was looking for a gasoline station.

The lighting system and horn of the car was out of commission, and when the driver slowed down the engine would only hit on three cylinders. After some time we finally started out of Columbus, by way of the reservoir to Plain City [Ohio], arriving there about 9:30 pm. I had no idea where I was going or what was to be done with me. On enquiry from the policewoman who had charge of me, she said she had been unable to get accommodations for Chicago out of Columbus, so we were going to catch a train at some other city. She lied to me every time I asked a question, so there was no use of further enquiry, so I settled myself and awaited developments. I did not know whether I was to be turned over to a mob, thrown into the river, or executed.

At Plain City the town Constable was awakened and come to look me over. A whispered conversation was held with him...on the sidewalk. Guess he did not want me in his bailiwick, so we left, going to Jefferson City, where they did not seem to want me either. We then drove to London, Ohio, county seat of Madison County, arriving here a little after 11:30. The poor old Ford just reached the main street where it gave up entirely. A local police officer was called, he awakened the Sheriff. We walked to the county jail. As the Ford could not be moved, I was turned over to the Sheriff at midnight.

When the Sheriff appeared on the scene, I opened up on my captors, telling the Sheriff I was being kidnapped by those two persons, that my life had been put in jeopardy because of the condition of the car without lights, etc., howe we went over main

line railroad tracks in several places on high gear with our engine hitting on three cylinders, once we were almost caught by an interurban car, and that I would refuse to leave the custody of said Sheriff unless I have some assurance that my life would not again be put in jeopardy. I also told the police matron that she and her conspirator were both liars, that their word did not mean anything to me, and that I would ask the Sheriff to take me before a judge in the morning so that I could at least ask for protection.

The police matron tried to square herself with the Sheriff by saying that she was taking me to Illinois, but that no train or accommodations were possible for that day. I told the Sheriff two trains had left Columbus for Chicago since she had taken me in custody at two o'clock that afternoon, and that the stay of execution did not give her the legal right to take me. She lied again by telling the Sheriff that no stay of execution had been granted. I told her that it was just such acts as these they were perpetrating that night that was causing so much hell in the country. The detective said he agreed with me, and had said so in Columbus, but he was working under instructions from the Prosecutor of Franklin County.

After they left, and before I was locked up by the Sheriff, I explained the situation to him, that Judge Kincaid had granted a stay of execution for 48 hours at noon that day. The Sheriff said that if that was the case, the Sheriff of Franklin County could not legally give me up. I asked him to phone the Judge at Columbus, at my expense, before surrendering me to my kidnappers. I further asked that he take me before a Judge in that county and ascertain whether this procedure was regular or not. I called his attention to the fact that if my body legally belonged to the state of Illinois, why drag me around in this way in the middle of the night? My attorneys could not, and would not, try to prevent my being taken away, if I legally belonged to the Illinois authorities. Therefore, Sheriff, it is your duty as an officer to the law to see that the laws of Ohio are respected, but my pleadings were all in vain.

In the morning, I refused to dress, the police matron put on my shoes and stockings, and called in the man to do the rest. Of course I refused to have him dress me, and told the matron if she had no respect for the rules of common decency, that I did, and that the man must immediately leave my cell, that I would dress myself, but that I refused to leave the custody of the Sheriff, that her requisition did not give her the legal right to drag me around the state of Ohio, and this in an old broken-down machine endangering my life, as well as depriving me of my rights as a citi-

zen. She replied, 'My requisition gives me the right to shoot you if you do not go wherever I wish.'

"Well, Honey," I said, "get your gun and your handcuffs ready for you will need them! You are going to do one of three things: either take me back to Columbus, where I legally belong, or to Chicago Co. jail, or you will be compelled to do some shooting."

"I was again taken forcibly by the Sheriff of Madison County and the police matron, put in the same Ford car, taken back to Plain City, where we boarded a train for Chicago. Upon my arrival I was locked in the Cook County jail, 18 hours before the stay of execution granted by Judge Kincaid had expired. All this, mind you, to have me prosecuted because I am charged with advocating methods of reforming the U.S. government that are claimed to be illegal."

Signed, ***Marguerite Prevey.***

The deeply significant feature of the whole spectacular affair is the readiness of the alleged forces of "Law and Order" under Capitalism to break their own laws and destroy their own order whenever it suits their convenience, even while issuing proclamations and advertisements denouncing the "radicals and reds" for "preaching violence, and lawless methods." Marguerite Prevey has, regardless of the final outcome, won a tremendous victory. She, accused of advocating violence, appealed to the courts, against her accusers who posed as defenders of law and order. She declared her willingness to abide the decision of the Ohio courts. But no sooner did the Ohio laws interpose an obstacle to the vindictive attack of her accusers, than the supposed defenders of law plucked off their mask and openly and shamelessly revealed themselves for what the radicals have all along declared them to be — bandits and buccaneers masquerading behind the law, only because it served them better their predatory purpose and because the law was shaped to suit them.

Marguerite Prevey, after remaining in jail for four weeks, testing the sincerity of those who proclaim themselves 100% Americans and the upholders of "Law and Order," agreed to accept bond in order to prepare her case for a further test, for the end is not yet. If she goes to prison in Illinois, she goes with the proud consciousness that she was the means of stripping the cloak of hypocrisy from the traitors who, under the pretense of Americanism, are seeking to strangle America to death.

Edited with a footnote by Tim Davenport

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